IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5194 OF 2005

Sourendra Nath Sarkar, .. Petitioner.
Vs
Dhruk K Desai and Anr. .. Respondents.

Ms Shaswati S.Sarkar, petitioner in-person.
Mr K.D.Shah, for respondent no.1.

CORAM : D.B.BHOSALE,J.
DATE : 18.01.2007.

PC:

1. Heard Ms.Shaswati S.Sarkar in-person and Mr Shah, learned counsel for respondent no.1.

2. By this writ petition under Article 227 of the Constitution of India, the petitioner has impugned the order dated 4.11.2004, by which the interim notice taken out by the petitioner has been discharged. By that notice, the petitioner sought direction against the respondents-defendants to pay the arrears towards the society charges and compensation to the plaintiff. It appears that in the very same proceedings, on 29.11.95 the City Civil Court, had passed the order directing the respondents to pay the certain amount to the plaintiff. Mr Shah, learned counsel for the respondent, submits that the respondent shall clear all the arrears as per that order within eight weeks from today. In view of the statement, I find no reason to interfere with

the order impugned in the present writ petition. In the circumstances, this writ petition is dismissed. However, all contentions, insofar as the liability to pay the arrears and compensation is concerned, are kept open to be agitated and considered at the stage of final hearing of the suit.

. This being a very old suit, the trial Court shall endeavour to dispose of the same as expeditiously as possible and preferably within a period of one year from the date of receipt of this order. The petitioner is directed to produce a copy of this order before the trial Court within two weeks from today.

(D.B.BHOSALE,J.)